

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:21-cv-319-MOC-DCK**

WES JOHNSON, and TAMEKIA
BOTTOMS, individually and on behalf of all
other similarly situated, The AAA Carolina
Savings & Investment Plan and The Auto
Club Group Tax Deferred Savings Plan,

Plaintiffs,

v.

CAROLINA MOTOR CLUB, INC. d/b/a
AAA Carolinas; and THE AUTO CLUB
GROUP,

Defendants.

**ORDER PRELIMINARILY APPROVING
CLASS ACTION SETTLEMENT,
APPROVING PROCEDURE AND FORM
OF NOTICE, DESIGNATING CLASS
COUNSEL AND SCHEDULING FINAL
APPROVAL HEARING**

THIS MATTER came on before the Court on Plaintiffs’ Motion for Preliminary Approval of Class Settlement of a proposed class action settlement, as set forth in the settling parties’ Class Action Settlement Agreement (“Settlement Agreement”). (Doc. No. 38). The Court orders as follows:

1. The Court finds, on a preliminary basis, that the Settlement Agreement is fair, reasonable, and adequate, and within the range of possible approval. Also, the Court finds the Settlement Agreement has been negotiated in apparent good faith and arms-length between experienced attorneys familiar with the legal and factual issues of the case with the assistance of an experienced mediator. The Court further finds that the form and method of the Notice of the Settlement and Fairness Hearing is appropriate. The Court also finds that the Settlement Agreement meets all applicable requirements of law,

including Federal Rule of Civil Procedure 23. Accordingly, the Court preliminarily approves the Settlement Agreement in its entirety.

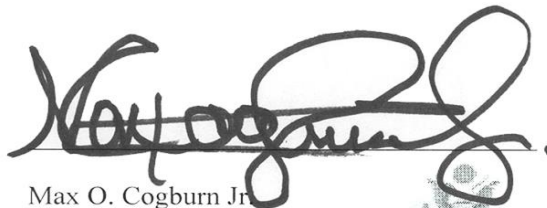
2. For Settlement purposes, the Court preliminarily certifies the following Settlement Class, as is set forth by the Motion:

All members of the Plan as the Plan was defined above between July 6, 2014 until the date the Court grants preliminary approval.

3. Named Plaintiffs Wes Johnson and Tamika Bottoms are appointed as class representatives.
4. Fitzgerald, Hanna & Sullivan, PLLC is appointed as class counsel for the Settlement Class.
5. The Court approves the proposed Notice of Settlement and the method of giving direct notice to the Settlement Class members by U.S. mail. The Court finds that the proposed notice fairly and adequately provides information to the Settlement Class including the nature of the claims asserted, the scope, the terms, the process for submitting a claim, the right to object to a settlement and the deadlines for so doing, the scope of the release provided, the identity of class counsel, compensation to class counsel and the class representatives, details about the Fairness Hearing, and the Settlement Members' right to appear at the Fairness Hearing.
6. Within thirty (30) calendar days of the entry of this Order, the Settlement Administrator shall distribute the proposed Notices to the Settlement Class by first class mail.
7. The Court will schedule a Fairness Hearing to be held in Charlotte.
8. Any Settlement Class Member may comment in support of or in opposition to the Settlement Agreement.

9. Any Settlement Class Member who fails to object in the manner proscribed herein shall be deemed to have waived the Settlement Class Members' objections and shall be barred from making such objections in the action.
10. The Settlement Agreement, and these proceedings related to the approval of the Settlement Agreement, and this Order are not evidence of any liability, responsibility, fault, or wrongdoing on the part of any party including any party receiving a release. In the event that the Settlement Agreement is terminated pursuant to its terms or is not finally approved in all material respects by the Court, or such approval is reversed by an appellate court, this action will proceed in all respects as though the Settlement Agreement had not been entered and this had not been ordered.

Signed: September 26, 2022



Max O. Cogburn Jr.
United States District Judge